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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,029	07/29/2003	Rajinder Singh	064311-1602	3056

69588 7590 06/15/2007
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EXAMINER

HENLEY III, RAYMOND J

ART UNIT	PAPER NUMBER
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1614

MAIL DATE	DELIVERY MODE
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06/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/631,029

Applicant(s)

SINGH ET AL.

Examiner

Raymond J. Henley III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/8/07 & 6/6/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,9-29,32-34,39,40,43 and 45-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,9,14,16-20,32,40,43 and 45-48 is/are rejected.
- 7) ☒ Claim(s) 10-13,15,21-29,33,34,39 and 49 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/6/07</u> . | 6) <input type="checkbox"/> Other: _____ |

CLAIMS 1, 9-29, 32-34, 39, 40, 43 AND 45-49 ARE PRESENTED FOR EXAMINATION

Applicants' amendment filed March 8, 2007 and Information Disclosure Statement filed June 6, 2007 have been received and entered into the application. Accordingly, claims 2-8, 30, 31, 35-38, 42 and 44 have been canceled; claims 1, 9, 10, 14-19, 21, 24, 25, 29, 32, 34, 39 and 43 have been amended and claim 49 has been added.

Applicants' proposed amendments to the specification at pages 508 and 596 could not be entered. The indicated table rows and compounds do not appear at the pages identified. In the copy of the specification of record at the Office, compound 7.4.176 appears on page 508 and compounds 7.4.416 and 7.4.417 appear on page 582.

As reflected by the attached, completed copy of form PTO/SB/08, (6 sheets), the cited references have been considered.

Applicants' arguments/amendments have overcome the claim rejections and objection not reiterated herein from the previous Office action. The rejections and objection not reiterated from the previous office action are hereby withdrawn. The following rejections and objection are either reiterated or newly applied and constitute the totality of issues remaining in the present application.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Objection

Claims 10-13, 15, 21-29, 33, 34, 39 and 49 are objected to as depending from a rejected base claim, but are otherwise in condition for allowance.

Claim Rejection - 35 USC § 102

I Claims 1, 9, 14, 16-20, 32, 40, 43, 45 and 47 are rejected under 35 U.S.C. 102(a) as being anticipated by Pease et al., (WO 01/64656, cited at page 3 of Applicants' IDS filed January 7, 2004), already of record, for the reasons of record as set forth in the previous Office action at page 4, as applied to claims 1-9, 14, 16-20, 32, 35-37, 40, 42, 43, 45 and 47, which reasons are here incorporated by reference.

It is noted in the present claims that the 5-position of the pyrimidine ring may be a fluoro, "F". While not pointed out in the previous Office action, Pease et al. discloses that this position may be occupied by "halo", (see page 3, line 9) and that "halo" means "fluoro, chloro, bromo and iodo", (page 6, lines 1-2). This teaching is deemed sufficient to have placed compounds having the 5-position of the pyrimidine occupied by fluoro in possession of the public, even though a specific compound so configured is not illustrated by Pease et al.

Applicants' remarks have been carefully considered, but, because they fail to address this aspect of the disclosure in Pease et al., fail to persuade the Examiner of error in this determination of unpatentability.

For the above reasons, the claims are deemed properly rejected.

Claim Rejection - 35 USC § 103

Claims 1, 9, 14, 16-20, 32, 40, 43 and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pease et al., (WO 01/64656, cited at page 3 of Applicants' IDS filed January 7, 2004), for the reasons, *supra*, as well as those of record set forth in the previous Office action at

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pages 6-7 as applied to claims 1-26, 28-33, 35-40 and 42-48, which reasons are here incorporated by reference.

As above, Applicants' remarks have been carefully considered, but, because they fail to address this aspect of the disclosure in Pease et al., fail to persuade the Examiner of error in this determination of unpatentability.

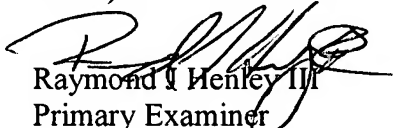
For the above reasons, the claims are deemed properly rejected.

None of the claims are currently in condition for allowance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Henley III whose telephone number is 571-272-0575. The examiner can normally be reached on M-F, 8:30 am to 4:00 pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin H. Marschel can be reached on 571-272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Raymond J. Henley III
Primary Examiner
Art Unit 1614

June 10, 2007